

REMARKS

Claims 1-21, 23-28 and 30-32 are currently pending in the subject application and are presently under consideration. Claims 1, 13 and 18 have been amended as shown at pages 2-7 of the Reply. Claims 3 and 16 have been cancelled herein. In addition, applicants' representative notes with appreciation the indication that claims 1-17 are allowed and claims 22, 29 and 33 would be allowable if recast in independent form to include all limitations of respective base claims and any intervening claims.

Applicants' representative would also like to thank the Examiner for the courtesies extended during the interview conducted on March 6, 2007. The Examiner indicated that the amended independent claims 1, 14 overcome existing rejections.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-14 Under 35 U.S.C. §103(a)

Claims 1-14 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Hamilton, *et al.* (U.S. 6,496,499) in view of Davidson, *et al.* (U.S. 6,754,197). This rejection should be withdrawn for at least the following reasons. The cited references when combined neither teach nor suggest all the claim limitations.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** See MPEP §706.02(j).

Applicant's claimed invention relates to a system and method that reorders the transmitting data packets in a transmission queue of a radio system when an error is received during the transmission of a data packet to any device destination address. In particular, amended independent claims 1 and 13 recite similar features, namely *the transmission ordering*

component reorders the queue upon reaching the end of the queue, such that data packets with destination address in which a transmission error has occurred are move to the beginning of the queue. Hamilton, *et al.* is silent regarding such novel aspects of the subject claims.

Hamilton, *et al.* relates to a wireless network containing a plurality of isochronous mobile devices communicating with a radio frequency access point. All mobile devices in a particular cell compile and maintain identical transmission time ordered lists, which are used to control access to the wireless network. This prevents collision of transmitted data. At page 3 of the Office Action, the Examiner contends that Hamilton, *et al.* teaches the transmission ordering component reorders the queue upon reaching the end of the queue, such that data packets with destination address in which a transmission error has occurred are moved to the beginning of the queue. Applicants' representative disagrees. In accordance with the claimed invention, the system detects an error occurring in the transmission of a data packet to a first destination address, moves the pointer to a data packet with a second destination address and starts transmitting the data packets till the queue ends and then reorders the queue wherein the packets with transmission errors are moved to the beginning of the queue. At the cited portions, Hamilton, *et al.* discloses a plurality of isochronous devices, each of the devices having a unique address, all the mobile devices in a particular cell compile and maintain identical transmission time ordered lists to coordinate transmission of information to a radio frequency point. When a unique device address gets repeated in the time ordered list, the first device transmission list is completed, saved in memory and a second list is built. The lists are compared and the process is repeated, this lets the device address lists to remove/add mobile devices that exit/enter the cell boundary. However, Hamilton, *et al.* is silent regarding *the transmission ordering component reorders the queue upon reaching the end of the queue, such that data packets with destination address in which a transmission error has occurred are move to the beginning of the queue* as recited in the subject claims. Davidson, *et al.* fails to make up for the aforementioned deficiencies of Hamilton, *et al.*

In view of at least the foregoing, it is readily apparent that Hamilton, *et al.* and Davidson, *et al.* neither teach nor suggest all aspects of the subject claims. Accordingly, this rejection with respect to independent claims 1, 13 (and the claims that depend there from) should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP205USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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